REMARKS

Applicants thank the Examiner for the courtesies extended to the Applicant's

representative during the personal interview conducted on February 3, 2003.

Applicants further thank the Examiner for acknowledging the claim for domestic priority

to a provisional application under 35 U.S.C. § 119(e).

Applicants also thank the Examiner for considering the references cited in the

Information Disclosure Statement filed on December 19, 2000, as evidenced by the initialed

Form PTO-1449.

Claims 1-29 are all the claims pending in this application. Claims 26-29 are added by

this Amendment. No new matter is included. Attached to this Amendment is Appendix A,

which includes a complete set of pending claims and illustrates the marked-up version of the

amended specification and claims.

Filed concurrently herewith are a two month extension of time and an excess claim fee

payment for the four (4) excess independent claims produced by this Amendment.

Reconsideration and allowance of all of the rejected claims are respectfully requested in

view of the foregoing remarks.

Claim Rejections – Double Patenting

Claims 1, 6, 10-13, 18 and 22-25 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-16

and 18-20 of copending Application No. 09/583,734. Claims 10 and 23 are provisionally

rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 2, 7, 11,

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and 16 of copending Application No. 09/583,734. Claims 12 and 25 are provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 5, 9, 14, and 20 of copending Application No. 09/583,734. Claim 24 is provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 4, 13, and 19 of copending Application No. 09/583,734.

Applicants will consider filing a terminal disclaimer and/or taking any other action necessary to overcome these rejections when the claims are indicated to be otherwise allowable.

Claim Rejection under 35 U.S.C. §102

Claims 1, 2, 4-7, 9-11, 13, 14, 16-19, 21 and 22 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Mirabilis ICQ98a, copyright 12/7/97, as shown by ICQ.com websites (hereinafter ICQ). Applicant respectfully traverses this rejection on the following basis.

During the personal interview, the Examiner indicated that he is relying on the Mirabilis ICQ98a computer program to support this rejection. The Mirabilis ICQ98a computer program, however, is not provided for review. Rather, the Examiner has provided web page descriptions of the Mirabilis ICQ98a computer program to support his position. Applicants respectfully disagree with the Examiner's position and submit that the content of each reference relied upon should be provided for review. Furthermore, the Examiner asserts that Mirabilis ICQ98a has a copyright date of December 12, 1997 based on a disclosure in the "What's New" web page alleging that a version of ICQ98a was released on December 12, 1997 (see "What's New", page 3). Since updated versions of ICQ98a were released after December 12, 1997, Applicants respectfully submit that the Examiner may not rely on the December 12, 1997 date to support every feature allegedly provided by ICQ98a. For example, the "What's New" web page discloses

that several features, including status message presets, were allegedly released on January 4, 1998.

Applicants further submit that the Mirabilis ICQ98a computer program and the allegedly supporting web pages are not information that was "described in a patent granted on an application for patent by another filed in the United States...or an international application by another..." (pre-AIPA 35 U.S.C. §102(e)). Therefore, the cited art may not be applied under 35 U.S.C. §102(e). To the extent that these documents are prior art (though this is not admitted) they may be prior art under 35 U.S.C. §102(a).

Although it is believed that the claims are currently distinguishable over the cited art, Applicants have amended the claims to further clarify the invention and to expedite their allowance. In particular, independent claims 1, 6, 13 and 18 recite, inter alia, the feature of ' presenting one or more user indicators *as links* within the at least one electronic document, among other things. In an exemplary embodiment, network users may determine the status of other network users wherever a user indicator is presented in the system, whether it is an e-mail, HTML document or any other electronic document (see the present specification at page 5, last paragraph).

In contrast, Mirabilis ICQ98a, as described in "Communicate Online with Your Site Visitors" on page 3 and in "How to Use ICQ" on page 4, provides a separate ICQ communication panel that is displayed as a window *on top of other open applications* on a desktop or as *a floating window* that may be reduced as an icon on the desktop. The "ICQ Status Indicator" web page discloses status buttons that may be presented in a same manner as the ICQ communications panel. As a result, Applicants claimed subject matter is distinguished from

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Mirabilis ICQ98a and the allegedly supporting web pages, which fail to disclose or suggest presenting one or more user indicators *as links* within the at least one electronic document.

Since Mirabilis ICQ98a and the allegedly supporting web pages neither suggest nor disclose the invention claimed in independent claim 1 and its dependent claims 2, 4, and 5, or the invention claimed in independent claim 6 and its dependent claims 7 and 9-11, or the invention claimed in independent claim 13 and its dependent claims 14, 16, and 17, or the invention claimed in independent claim 18 and its dependent claims 19, 21, and 22, these claims clearly are not anticipated by the above cited references. For the foregoing reason, reconsideration and allowance of these claims are requested.

Claim Rejections under 35 U.S.C. §103

Claims 12, 24, and 25 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Mirabilis ICQ98a, copyright 12/7/97, as shown by ICQ.com websites (hereinafter ICQ) in view of Mirabilis ICQ98A, copyright 12/7/97, as shown by "ICQ Has Features Consultants Need-And It's Free" (Evans). Applicants respectfully traverse this rejection on the following basis.

Claim 12 depends from claim 6 and claims 24 and 25 depend from claim 18 and therefore include the recitation of presenting one or more user indicators *as links* within the at least one electronic document, among other things. Evans discloses that ICQ sits dormant in the background or foreground, depending on how you customize the application (see Evans, page 1). Thus, Evans fails to overcome the deficiencies of the above cited references, which fail to disclose or suggest presenting one or more user indicators *as links* within the at least one electronic document

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In view of the foregoing differences, Applicants respectfully submit that claims 12, 24, and 25 are allowable at least by virtue of their dependency.

Claims 3, 8, 15, and 20 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Mirabilis ICQ98a, copyright 12/7/97, as shown by ICQ.com websites (hereinafter ICQ) in view of Mirabilis ICQ98A, copyright 12/7/97, as shown by "How to use ICQ" (hereinafter HowTo). Applicants respectfully traverse this rejection on the following basis.

Claim 3 depends from claim 1, claim 8 depends from claim 6, claim 15 depends from claim 18, and claim 20 depend from claim 18 and therefore include the recitation of presenting one or more user indicators *as links* within the at least one electronic document, among other things. As discussed above, HowTo fails to overcome the deficiencies of the cited art because it discloses displaying the ICQcommunication panel as a window *on top of other open applications* on a desktop or as *a floating window* that may be reduced as an icon on the desktop that ICQ includes a status button (see HowTo, page 4). Thus, Applicants respectfully submit that claims 3, 8, 15, and 20 are allowable at least by virtue of their dependency.

New claims 26-29 are added to further define the features disclosed in the originally filed application and are believed to be allowable.

Applicants respectfully submit that this application is in condition for allowance and such

disposition is earnestly solicited. If the Examiner believes that a telephone conference or

interview would advance prosecution of this application in any manner, the undersigned attorney

stands ready to conduct such a conference at the convenience of the Examiner.

In the event that it is determined that additional fees are due, the Commissioner is hereby

authorized to charge the undersigned's Deposit Account No. 50-0311.

Dated: March 7, 2003   Respectfully submitted,

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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

<u>IN THE SPECIFICATION:</u>

The specification is changed as follows:

Page 9, second full paragraph bridging onto page 10:

For example, server SC module 29 may comprise identification determining module 12, status determining module 26 16, status linking module 20, communication establishing module 24, and communication activation module 26. As such, server system 28 may receive updates from each of the user systems 30 of all users on the system (*e.g.*, when a user status changes) which may therefore be reported out to each of the user systems 30. Accordingly, the status of all user systems may be known to all other user systems to enable the user SC module 31 to be able to present status information with the user indicators. User SC modules 31 may, for example, send status information (preferably in real time) for that user system whenever the status information for that user system changes. The information may be compiled by server SC module 29 and sent to user SC modules 31 (*e.g.*, at login, when a user status changes). Other mechanisms for status updates of all users may also be used. For example, a system administrator or user may set a desired interval for performing status updates. Further, status of users may be periodically checked by user SC modules 29 31 only when that information is desired for presenting with a user indicator.

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IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A system for presenting a ~~visual~~ status indicator within at least one electronic document to provide ~~of system~~ user status, ~~within an electronic document, for~~ associated with one or more system users, the system comprising:

user indicator presentation means for presenting one or more user indicators as links within ~~an~~ the at least one electronic document, each user indicator being associated with at least one system user;

status determining means for determining the status of the one or more system users, wherein the status of the one or more system users is ~~determining a system user's status for system users~~ associated with the one or more user indicators; and

status indicator presenting means for presenting at least the ~~a~~ status indicator ~~with~~ and the user indicators in the at least one electronic document to ~~show~~ provide the status of selected system users ~~that system user's status~~.

2. The system of claim 1, wherein the status indicator comprises at least one symbol.

3. (Amended) The system of claim 1, wherein the status indicator presenting means presents the status indicator through use of at least one menu.

4.   The system of claim 1, wherein the status indicator comprises color coding.

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5. (Amended) The system of claim 1, wherein the status <u>indicator</u> presenting means indicates a~the system user's~status <u>of a selected system user</u> by altering representations of the status indicator for ~that~<u>the selected</u> user.

6. (Amended) A method for presenting a ~visual~status indicator <u>within at least one</u> <u>electronic document to provide</u>~of~ system user status <u>for one or more system users,</u> ~within an~ ~electronic document, for one or more system users,~ the method comprising the steps of:

    presenting one or more user indicators <u>as links</u> within ~an~<u>the at least one</u> electronic document~;~<u>;</u>

    <u>associating each user indicator with at least one system user;</u>

    <u>determining the status of the one or more system users</u> ~determining a system user's status~ ~for system users~ associated with the one or more user indicators; and

    presenting <u>at least the</u>a ~visual~ status indicator ~with~ <u>and</u> the one or more ~of the~user indicators, wherein the ~visual~status indicator indicates the <u>status of selected</u> ~system user's status~ ~for the one or more~system users ~associated with that user indicator.~

7. (Amended) The method of claim 6, wherein the step of presenting <u>at least the status</u> <u>indicator and the one or more user indicators</u> comprises presenting at least one symbol with the status indicator.

8. (Amended) The method of claim 6, wherein the step of presenting at least the status indicator and the one or more user indicators comprises presenting at least one menu with the status indicator.

9. (Amended) The method of claim 6, wherein the step of presenting at least the a visual status indicator comprises color coding.

10. (Amended) The method of claim 6, further comprising the step of presenting one or more communication preferences for associated with the one or more system users.

11. The method of claim 10, further comprising the step of establishing one or more communications with the one or more system users.

12. (Amended) The method of claim 6, further comprising the step of enabling sharing at least one application to be shared among with the one or more system users.

13. (Amended) A system for presenting a visual status indicator within at least one electronic document to provide of system user status for one or more system users, within an electronic document, for one or more system user indicators, the system comprising:

a user indicator presentation module that presents one or more user indicators as links within an the at least one electronic document, each user indicator being associated with at least one system user;

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a status determining module that determines a status of the one or more system users

~~determines the system user's status for system users~~ associated with the one or more user

indicators; and

a status indicator presenting module that presents at least thea status indicator ~~with~~ and

the user indicators in the at least one electronic document to ~~show~~ provide the status of selected

system users~~that system user's status~~.

14.   The system of claim 13, wherein the status indicator comprises at least one

symbol.

15. (Amended) The system of claim 13, wherein the status indicator presenting module

presents the status indicator using at least one menu.

16.   The system of claim 13, wherein the status indicator comprises color coding.

17. (Amended) The system of claim 13, wherein the status indicator presenting ~~means~~

module is adapted to indicate the status of selected system users ~~indicates a system user's status~~

by altering representations of the status indicator for the selected system ~~that~~ user.

18. (Amended) A processor readable medium having processor readable code embodied

therein for presenting a ~~visual~~ status indicator within at least one electronic document to

provide~~of~~ system user status for one or more system users, ~~within an electronic document, for~~

~~one or more system user indicators,~~ the medium comprising:

user indicator presenting processor readable code that causes a processor to present one or

more user indicators as links within ~~an~~ the at least one electronic document, each user indicator

being associated with at least one system user;

status determining processor readable code that causes ~~a~~ the processor to determine the

status of one or more system users ~~a system user's status for system users~~ associated with the one

or more user indicators; and

status indicator presenting processor readable code that causes the processor to present

~~presents~~ at least the~~a~~ status indicator ~~with~~ and the user indicators in the at least one electronic

document to provide ~~show~~ the status of selected system users~~that system user's status~~.

19.   The medium of claim 18, wherein the status indicator comprises at least one

symbol.

20. (Amended) The medium of claim 18, wherein the status indicator presenting

processor readable code causes ~~a~~ the processor to present the status indicator using at least one

menu.

21. (Amended) The medium of claim 18, wherein the status indicator presenting

processor readable code causes ~~a~~ the processor to present the status indicator using color coding.

22. (Amended) The medium of claim 21, further comprising communication establishing processor readable code that causes a-the processor to establish at least one communication with the one or more system users.

23. (Amended) The medium of claim 22, further comprising communication preference processor readable code that causes a-the processor to enable the one or more system users to identify a preference for receiving the at least one communication.

24. (Amended) The medium of claim 18, further comprising conference communications processor readable code that causes a-the processor to enable the one or more system users to establish conference communications.

25. (Amended) The medium of claim 24, wherein the conference communications processor readable code causes a-the processor to enable the one or more system users to share at least one application.

Claims 26-29 are added as new claims.